

PATENT
ATTY. DKT. NO.: 57127/01-601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Levine

Application No.: 10/004,429

Filed: 10/25/2001

ATTN: REFUND
U.S. Patent and Trademark Office
Alexandria, VA

REQUEST FOR REFUND OF FILING FEE

1. REFUND REQUEST

On October 16, 2004, applicant mailed a Request for Continuing Examination application to the Patent Office. A copy of the Request for Continued Examination (RCE) Transmittal is attached. Applicant indicated on the Fee Transmittal that the filing fee was for a small entity in the amount of \$395.00.

Applicant's Deposit Account No. 06-0540 was charged \$790.00 on October 22, 2004 for the large entity filing fee of \$790.00, an excess charge of \$395.00 (copy of deposit account statement for 06-0540 for October 2004 attached).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being faxed to Refund, U.S. Patent and Trademark Office, facsimile telephone No. 703/308-6778 this 17th day of December, 2004.

Nancy J. Moore
Nancy J. Moore

2. FEES CHARGED FOR WHICH REFUND REQUESTED

X Fee Code #1801 - Request for continued exam \$790.00
(Large Entity)

3. FEES WHICH SHOULD HAVE BEEN CHARGED

X Fee Code #2801 - Request for Continued Exam \$395.00
(Small Entity)

TOTAL REFUND REQUESTED \$395.00

4. EXPLANATION OF WHY CHARGES SHOULD BE REFUNDED.

Applicant correctly indicated the small entity filing fee of \$395.00 was to be charged to Deposit Account 06-0540; however, the Patent Office overcharged the Deposit Account by \$395.00.

5. MANNER OF REFUND

Please make refund by crediting Account No. 06-0540.

Fred H. Holmes 12/17/04
(Date)
Fred Holmes
Registration No. 43677
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS
The Kennedy Building
321 South Boston, Suite 800
Tulsa, OK 74103-3318
918/599-0621 (phone)
918/583-9659 (fax)

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FACSIMILE COVER SHEET

Date: December 17, 2004NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

TO	COMPANY NAME	FAX NUMBER
ATTN: REFUND	United States Patent and Trademark Office	703.308.6778

FROM: Fred H. Holmes, Esq.

Attorney Docket No. 57127/01-601

Re: In re application of: Seymour LEVINE
 Serial No.: 10/004,429
 Filing Date: 10/25/2001

FELLERS, SNIDER, BLANKENSHIP,
 BAILEY & TIPPENS, P.C.
 The Kennedy Building
 321 South Boston Ave., Suite 800
 Tulsa, Oklahoma 74103-3318
 TELEPHONE: (918) 599-0621
 TELECOPIER: (918) 583-9659

AUTO QUOTE: 57127

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF ANY ARE ILLEGIBLE, PLEASE CONTACT US AT
 (918) 599-0621 AS SOON AS POSSIBLE.

MESSAGE: Attached please find a Request for Refund of Filing Fee against the Deposit
 Account of the undersigned, No. 06-0540. Please do not hesitate to contact us should you have
 any questions.

Thank you.

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OCT 21 2004

PTO/SB/03 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/004,429
Filing Date	10/25/2001
First Named Inventor	Levine
Art Unit	3661
Examiner Name	Gary Chin
Attorney Docket Number	57127/01-601

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-0540

i. RCE fee required under 37 CFR 1.17(e) - \$395.00
ii. Extension of time fee (37 CFR 1.136 and 1.17) for three (3) months - \$490.00
iii. Other any additional fee required by virtue of the filing of this paper _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

GROUP 3600

OCT 25 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Fred H. Holmes	Registration No. (Attorney/Agent)	43677
Signature		Date	10/16/2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Nancy J. Moore	Date	10/18/04
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Adjustment date: 01/24/2005 SDIRETA1
10/22/2004 MHEKONEN 00000070 060540 10004429
01 FC:1801 790.00 CR

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